

Appl. No.: 10/033,536  
Amdt. Dated: October 1, 2004  
Off. Act. Dated: July 1, 2004

### **REMARKS/ARGUMENTS**

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein.

1. **Allowable Subject Matter**

The Examiner is thanked for indicating that Claims 1, 4-9, 19-41, and 45-55 are allowed. Claims 11-18 are objected to and would be allowable if rewritten in independent form.

2. **Rejection of Claim 44 under 35 U.S.C. §112, second paragraph.**

Claim 44 was rejected under 35 U.S.C. §112, second paragraph as being indefinite. Specifically, the Examiner stated that there was "insufficient antecedent basis" for the limitation "said tamper plate."

In response, the Applicant has amended Claim 44 to provide proper antecedent basis for the tamper plate by changing the dependency from Claim 42 to Claim 43 that refers to a tamper plate. Therefore, the Applicant respectfully submits that Claim 44 is now cast in proper form under 35 U.S.C. § 112 and the rejection should be withdrawn.

2. **Rejection of Claims 10, 42-44 under 35 U.S.C. §102(b).**

Claims 10, 42-44 were rejected under 35 U.S.C. § 102(b) as being anticipated by Holce (U.S. No. 4,210,889).

a) **Claim 10 and Claim 42:** Claims 10 and 42 are independent claims. In support of the rejection the Examiner stated, "Holce discloses...an alarm system comprising an *logic circuit* to indicate an alarm condition..." Claims 10 and 42 recite a logic circuit that is configured to indicate an alarm condition if a magnetic actuator is moved outside an actuation zone. Applicant respectfully submits that a logic circuit is neither taught by Holce nor obvious in view of Holce. Accordingly, Holce does not

Appl. No.: 10/033,536  
Amdt. Dated: October 1, 2004  
Off. Act. Dated: July 1, 2004

anticipate these claims because they recite at least one element that is not found in the reference, namely a logic circuit.

Holce teaches what is known in the art as a balanced magnetic switch series circuit. That patent describes a series of three reed switches that are closed in an inactivated state. Each of the switches includes a bias magnet and the actuation magnets cancel the magnetic fields of the bias magnets in the inactivated state. Accordingly, all of the reed switches in Holce are deactivated when the actuator magnet is put in place. Therefore, Holce describes a series of three reed switches that are closed in the inactivated state. The Holce circuit does not fall within the well-known definition of a logic circuit in the art. A logic circuit has one or more binary inputs capable of two states, e.g. "on" or "off" and a single binary output.

In contrast, the Applicant's invention does not require bias magnets, and with the actuation magnets in position, the two reed switches affected by the two actuation magnets are activated and the remainder are inactivated creating a true logic circuit. Any alteration of this sequence of inactivated-activated-inactivated-activated-inactivated switches will cause an alarm. Other logic circuits may be used. The design eliminates the need for the bias magnets and therefore eliminates significant assembly issues inherent to bias magnet systems while maintaining and improving upon the performance of existing schemes.

Furthermore, the Applicant's claims recite a logic circuit in the electrical path where the secure state can only be achieved through a precise series on activated and inactivated reed switches. In the embodiment shown in the application, a true logic circuit is shown with a logic sequence of no-yes-no-yes-no. Any other combination would cause an alarm. The recited logic circuit is not taught by Holce or obvious in view of Holce. Therefore, the Applicant respectfully submits that the claims cite an element that is not found in Holce and the claims are not anticipated by that reference and the rejection under 102(b) should be withdrawn.

Appl. No.: 10/033,536  
Amdt. Dated: October 1, 2004  
Off. Act. Dated: July 1, 2004

4. Conclusion.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

The Applicant also respectfully requests a telephone interview with the Examiner in the event that there are questions regarding this response, or if the next action on the merits is not an allowance of all pending claims.

Date: OCTOBER 1, 2004

Respectfully submitted,



John P. O'Banion, Reg. No. 33,201  
Steven L. Smith, Reg. No. 44,343  
O'BANION & RITCHEY LLP  
400 Capitol Mall, Suite 1550  
Sacramento, CA 95814  
(916) 498-1010